

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1663.00
COMPLAINT INVESTIGATOR:	Jane Taylor-Holmes
DATE OF COMPLAINT:	December 5, 2000
DATE OF REPORT:	January 3, 2001
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	March 21, 2001

COMPLAINT ISSUES:

Whether the Jay School Corporation violated:

511 IAC 7-28-1(f) with regard to the school's requirement that the parent obtain a physician's prescription for occupational therapy ("OT") prior to completing an OT evaluation of the student or providing OT services.

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's *individualized education program* (the "*IEP*") as written, specifically, failing to conduct an OT evaluation.

511 IAC 7-10-3 with regard to the school's failure to conduct an OT evaluation within 40 instructional days of the date of parental consent.

511 IAC 7-26-2(d) with regard to the school's alleged failure to provide specialized inservice training to professionals and paraprofessionals working with a student with autism spectrum disorder.

FINDINGS OF FACT:

1. The student (the "Student") is sixteen years old and is eligible for special education and related services as a student with autism ("Autism"). The Student is receiving educational services in an alternative educational setting.
2. A case conference committee (the "CCC") meeting was held on May 24, 2000. The CCC notes state "Has been suggested OT eval for sensory. Need a script for this."
3. The Director reported that "the OT evaluation was being postponed for his placement time at Silvercrest due to the safety risk."
4. A request was made to the Director in a fax transmission dated December 7, 2000, for a written response to the complaint allegations, along with supporting documentation.
5. In a written response dated December 8, 2000, the Director reported that the Autism Team was trained during the 1999-2000 school year by the state Autism Center. Those trained included the school psychologist, the EH/MR/LD teacher, the speech/language pathologist, the MR/LD teacher, the EH teacher, and the occupational therapist.
6. Additional requests were made to the Director in a fax transmission and an e-mail, both dated December 15, 2000, for documentation indicating that personnel working with the Student during the 1999-2000 and the 2000-01 school years had received training in Autism. The documentation that

was specifically requested included a copy of the CCC reports and *IEPs* dated May 24, 2000, and August 31, 2000; the inservice training documents; and the names and titles of personnel who worked with the Student during the 1999-2000 school year and those working with the Student this school year.

7. The Director responded to the December 15, 2000 requests in a December 19, 2000, e-mail stating that she would send a copy of the Student's *IEP* on December 20, 2000. The Director failed to submit any documentation subsequent to the written response submitted on December 8, 2000.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the School required a physician's prescription prior to conducting an OT evaluation for or offering OT services to the Student. 511 IAC 7-13-5(i) and 511 IAC 7-28-1(f) (revised June 21, 2000) do not require a physician's prescription in order for an OT evaluation or services to be conducted. A violation of 511 IAC 7-28-1(f) has occurred.
2. Findings of Fact #2 and #3 indicate that the OT evaluation was not conducted as recommended by the CCC on May 24, 2000. A violation of 511 IAC 7-27-2(a) occurred.
3. Findings of Fact #2 and #3 indicate that the OT evaluation was not completed within 40 instructional days, as was required by 511 IAC 7-10-3. A violation of 511 IAC 7-10-3 occurred.
4. Findings of Fact #4, #5, #6, and #7 indicate that the School cannot document its compliance with the requirement that professional and paraprofessional staff working with the Student during the 1999-2000 and 2000-01 school years have been trained in the area of Autism. A violation of 511 IAC 7-26-2(d) has occurred.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Jay School Corporation shall:

- 1.a. conduct an inservice training with all school personnel regarding the requirements for the provision of OT services, as specified in 511 IAC 7-28-1(f). A copy of the inservice training agenda, along with a sign-in sheet of all attendees by name and title, shall be submitted to the Division no later than February 2, 2001.
- 1.b. submit an assurance statement signed by the Director and all CCC coordinators indicating that no parent shall be required to obtain a physician's prescription in order for their child to be evaluated for OT services, or in order for OT services to be provided. A copy of the assurance statement signed by the Director and all CCC coordinators shall be submitted to the Division no later than February 2, 2001.
2. conduct the Student's OT evaluation and CCC meeting no later than February 16, 2001. A copy of the OT evaluation report, along with the CCC report and *IEP* shall be submitted to the Division no later than February 23, 2001.
3. conduct an inservice training in the area of Autism with all school personnel who currently work with the Student. A copy of the inservice training agenda, along with a sign-in list of attendees by name and title, shall be submitted to the Division no later than February 2, 2001.